IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

S.B. CIVIL WRIT PETITION NO. 814/2007

(Kanhaiya Lal Vs. State of Rajasthan & Ors.)

Date of Order : 28/05/2007

PRESENT

HON'BLE MR. JUSTICE H.R.PANWAR

Mr. Rakesh Arora for the petitioner.
Mr. B.L.Tiwari, Dy.G.A.
Mr. L.D.Khatri for the respondent.

BY THE COURT:-

Learned counsel for the petitioner submits that a similar writ petition was filed by one Satendra Singh before Jaipur Bench of this Court being S.B.Civil Writ Petition No. 1937/07 which came to be dismissed vide order dated 22.3.2007 on the ground of availability of alternative remedy under Rule 23 of the Rajasthan Civil Services (Classification, Control and Appeal) Rules, 1958 and therefore, the petitioner may be permitted to withdraw the instant writ petition with liberty to file an appeal under Rule 23 of the CCA Rules and also submits that the period consumed in litigating the writ petition before this Court may be taken into account while considering the period of limitation.

In this view of the matter, the writ petition is dismissed as withdrawn with liberty to file an appeal before the appellate authority under Rule 23 of the CCA Rules, 1958 within 15 days from today and if the petitioner files an appeal before the appellate authority within 15 days from today, the period of limitation would not come in the way of the petitioner as the petitioner has been pursuing the remedy by way of a writ petition before this Court and the respondent shall consider and decide the appeal in accordance with law utmost expeditiously. No order as to costs.

(H.R.PANWAR),J.

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